Attorney Docket No. 32344-701.201

## JUL 1 9 2005

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION
) ) And I Inside 2729
) Art Unit: 3738 ) Exercises: William H. Matthews
Examiner: William H. Matthews  )
) ) )

Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

## **INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

$\bowtie$	This statement qualifies under 37 C.F.R. $\S 1.97$ , subsection (b) because:				
		(1)	It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  OR		
		(2)	It is being filed within 3 months of entry of a national stage OR		
	$\boxtimes$	(3)	It is being filed before the mail date of the first Office Action on the merits OR		
		(4)	It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.		
37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) to beyond the filing date of a national application; (2) three months beyond the of the national stage as set forth in §1.491 in an international application mailing date of a first Office action on the merits, but before the mailing earlier of a final office action under §1.113 or a notice of allowance under §1.					
		a certif	fication as specified in §1.97(e) is provided below; or		
			f \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included an epayment of other papers filed together with this statement.		
	37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of a final office action under §1.113 or a notice of allowance under §1.31 payment of the issue fee, then:				
	A.	a certif	fication as specified in §1.97(e) is completed below; and		
	B.		f \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included the payment of other papers filed together with this statement.		
	Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.				
Copies of r EXCEPT TI			Terences listed on the attached Form PTO/SB/08 are enclosed herewith AT:		
		referen	w of the voluminous nature of references, and the likelihood that these are available to the Examiner in the file history of the parent ation (Serial No. ), copies are not enclosed herewith.		
	·		If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.		
		accord	of only foreign patent documents and non-patent literature are enclosed in ance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent ation publication listed on the attached Form PTO-1449 are not enclosed.)		
	There are no listed references which are not in the English language.				

650 Pa	age Mill Road	James R. Shay, Reg. No. 32,062						
Dated:	: 7/19/05	By						
		WILSON SONSINI GOODRICH & ROSATI						
		Respectfully submitted,						
	Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.32344-701.201).							
	Attached are the following non-published deemed relevant.	pending patent applications which may be						
	-	from corresponding patent application(s), in support of the attached certification under						
1	The relevance of those listed references w follows:	hich are not in the English language is as						

PTO/SB/08B (08-03)

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Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known Substitute for form 1449/PTO **Application Number** 32344-701.201 INFORMATION DISCLOSURE Filing Date October 27, 2003 STATEMENT BY APPLICANT First Named Inventor San Hoon Woo (Use as many sheets as necessary) Art Unit 3738 William H. Matthews **Examiner Name** Attorney Docket Number 32344-701.201 Sheet of 1

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>			
		FURBETTA et al., "Functional Gastric Bypass with an Adjustable Gastric Band", Obesity Surgery, 2002, pp 876-880, Volume 12.				
		GREVE et al., "Combination of Laparoscopic Adjustable Gastric Banding and Gastric Bypass: Current Situation and Future Prospects - Routine Use Not Advised", <i>Obesity Surgery</i> , 2004, pp 683-689, Volume 4.				
		· ·	-			
Examiner signature		Date Considered				

considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO). to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not